IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION NO.1316 OF 2006

Mohammed Husain A. Khandwani &Ors. ...Petitioners.
Vs.
State of Maharashtra & Ors. ...Respondents.
....

Mr.S. A. Khan for the Petitioners.
Mr.Nusrat Shah with Ms. Pervin D. Contractor, Mr. A.K. Gupta, Mr. Victor a. Almeida, Ms. Ema Almeida, Mr. Maqbool Ansari i/b. Ms. K.A. Sayed for Respondent No.2.
.....

CORAM : SWATANTER KUMAR, C.J. &
DR.D.Y.CHANDRACHUD, J.

August 27, 2007.

P.C. :

The Committee appointed under the orders of this Court dated 8th December 2006 filed its report dated 14th February 2007 in this Court. In para 6 of the report, the Committee recorded its finding as under :

> "For the aforesaid reasons, the Committee has unanimously concluded that "Hazrat Gaiban Shah Peer Syed Amiruddin Malang Badshah Qadri Dargah" P.T.R. No.B-1468 (Mumbai) is a 'Wakf' and not a 'Trust'."

In the face of the finding to which there was no objection on behalf of the Petitioner till date, it has to be concluded that the Petitioner is a 'Wakf' and not a 'Trust'.

Learned Counsel appearing for the Petitioners very fairly stated that they have no objection for approaching the Wakf Board for appropriate relief provided they act in accordance with law and initiate action under the terms and conditions of the provisions of the Act. Counsel appearing for the Respondents submits that they will consider the application in accordance with law after giving notice to the Petitioners.

In view of the statement made, nothing survives in the Petition. In the event the Petitioners approach the Wakf Board, they will grant status quo for a period of two weeks from today.

The Writ Petition is accordingly disposed of. No order as to costs.

CHIEF JUSTICE

Dr.D.Y. CHANDRACHUD, J.